

Agenda Item	
A-1	No one wished to be heard during the Open Comment Period.
B-1	President John Hunziker called the meeting to order at 7:00 P.M. with the following members present: Councilmembers Dennis Hanson, Marcia Marcoux, Sandra Means, Bob Nowicki, Walter Stobaugh. Absent: Jean McConnell. Also present Mayor Ardell F. Brede.
D-1-21	Councilmembers Hanson moved, Marcoux seconded, to approve the following consent agenda.
D-1	Approved the minutes of the December 1, 2003, meeting.
D-2	Adopted Resolution No. 635-03 approving a revocable permit for projecting business signs attached to the Radisson Hotel Building at 150 South Broadway with condition that the applicant receive MnDOT permit approval for sign along South Broadway.
D-3	Approved the adoption of an ordinance establishing the Rochester Heritage Preservation Committee and instructed the City Attorney to prepare the required ordinance for adoption.
D-4	Adopted Resolution No. 636-03 approving execution of the 2004 Professional Services Agreement with Affordable Housing Connections for compliance monitoring of the housing tax credit projects in Rochester.
D-5	Approved an On-Sale Wine and 3.2% Malt Liquor License to Colorado LLC dba Chipotle Mexican Grill to be located at 3780 Marketplace Drive N.W., Suite 100, pending the required fees, insurance certificates and departmental approvals.
D-6	<p>Approved the following licenses and miscellaneous activities:</p> <p><u>On-Sale 3.2% Temporary – On Sale</u> Church of St. Pius X – Annual Polka Mass & Dance – February 7, 2004.</p> <p><u>Dance – Temporary</u> Church of St. Pius X – Annual Polka Mass & Dance – February 7, 2004.</p> <p><u>Fireworks Display</u> Res Specialty Pyrotechnics – for Sesquicentennial Celebration Kick-off – January 4, 2004 – 2:00-4:00 PM – Mayo Civic Center.</p> <p><u>Gambling – Temporary</u> Rochester Archery Club – Knights of Columbus – Raffle – January 31, 2004. Ronald McDonald House – Rochester Golf & Country Club – Raffle – February 7, 2004. Ronald McDonald House – RCTC Heintz Center – Raffle – February 8, 2004. Senior Citizens Services, Inc. – Raffle – March 27, 2004.</p>

Agenda Item	
	<u>Gambling – Premise Permit Renewals</u>
	Rochester Juvenile Hockey Association at North Star Bar, CJ's Midtown Lounge, Holiday Inn South, Bon's Sports Bar & Grill.
	Olmsted County Hockey Association at The Sandtrap.
	Dover Fire Relief Association at Aviary Restaurant, Crown Restaurant & Lounge, Shady Hill Grill, Best Western Apache (Rookies Bar & Grill).
	<u>Sewer & Drain License</u>
	Mr. Rooter, Zumbrota
	<u>January 1, 2004, License Renewals</u>
	Bus 1
	Chickens 2
	Golf Carts 2
	Heating, Ventilating, & 115
	Air Conditioning
	Master Installer 181
	Pawnshops 3
	Pigeons 4
	Public Transportation 2
	Sewer 69
	Sidewalks – Cement 97
	Sidewalks – Asphalt 11
	Signs 39
	Taxicabs 1
	Telecommunications 12
	Theaters 3
D-7	Approved the Accounts Payable in the amount of \$9,626,127.67 and Investment Purchases of \$8,741,686.84.
D-8	Adopted Resolution No. 637-03 approving the State of Minnesota's Enterprise Licensing Agreement with Microsoft Corporation to provide the City discounted pricing on Microsoft software products.
D-9	Adopted Resolution No. 638-03 approving a 2003 Federal Homeland Security Part 1 Equipment/Exercise/Training Grant for the amount of \$54,923 for the Rochester Fire Department.
D-10	Adopted Resolution No. 639-03 granting a general wage increase effective January 8, 2004 to non-exempt, non-contract employees.
D-11	Adopted Resolution No. 640-03 approving the Labor Agreement for 2004 for the International Alliance of Theatrical State Employees, Moving Pictures Technicians, Artists and Allied Crafts, Local \$416 (IATSE) bargaining group.
D-12	Adopted Resolution No. 641-03 approving Project No. J-4390 "Water Reclamation Plant Expansion" Task Order No. 2 and Task Order No. 3.

RECORD OF OFFICIAL PROCEEDINGS OF THE COMMON COUNCIL
CITY OF ROCHESTER, MINNESOTA
Regular Adjourned Meeting No. 29 – December 15, 2003

6948

Agenda Item	
D-13	Adopted Resolution No. 642-03 approve a Professional Services Agreement with Brown and Caldwell for a Sewer Utility Rate Study, J-4394, to establish rates for the period of 2004-2008.
D-14	Adopted Resolution No. 643-03 approving the contract for 2004 with Rochester City Lines in the maximum amount of \$1,449,876.
D-15	Adopted Resolution No. 644-03 approving the revisions to the "Operating Policies and Guidelines for ZIPS Dial-A-Ride" as recommended by the Citizens' Advisory on Transit Committee.
D-16	Adopted Resolution No. 645-03 approving payment for Storm Water Management charges by Rochester Fuel Injection, RE/MAX of Rochester Building Addition, and The Amish Store Building Expansion.
D-17	Adopted Resolution No. 646-03 approving the Revocable Permit with Daube's Bakery located on the West 22 feet of Lot 5 Block 10, Moe and Olds Addition, for the placement of a sign overhanging a small portion of the right-of-way of Third Street S.W.
D-18	Adopted Resolution No. 647-03 approving the execution of Release of Easement and Agreement for flood control filing activities, Fairway Ridge.
D-19	See at end of D Items.
D-20	Adopted Resolution No. 648-03 approving extension of the City/RTS ZIPS Dial-A-Ride Contract for 2004 at a per vehicle hourly rate of \$35.50 based on an increase of 1.8%, and subject to such rate of increase not exceeding the final CPI percent change for 2003, and including the original 2001-2002 specifications with amendments documented in the 2003 contract extension.
D-21	Adopted Resolution No. 649-03 approving Change Order No. 2 for Project No. J-4378 "Upgrade of Water Reclamation Plant" with Integrated Technology in the amount of \$89,722.57. Ayes (6), Nays (0). Motion carried.
D-19	Councilmember Stobaugh stated that he is still concerned with the number of parking spaces at the Bethel Church lot and, therefore, will be voting against the approval of the agreement. He noted that the Hawthorne Learning Center is also concerned about the parking around their Center. Councilmembers Hanson moved, Marcoux seconded, to adopt Resolution No. 650-03 approving an agreement with Bethel Lutheran Church to establish a Park and Ridge Lot during the 2004 year in the 800 Block of 3 rd Avenue S.E. Ayes (6), Nays (1). Motion carried. Councilmember Stobaugh voted nay.

Agenda Item	
E-1	<p data-bbox="354 342 1430 447">A Continued Hearing on Zoning District Amendment #03-21 by Accessible Space, Inc. to amend zoning from B-4 to B-1 on property located along the south side of Eastwood Road S.E. and east of Casey's General Store.</p> <p data-bbox="354 478 1430 982">Wishing to be heard was Tom Murphy, 270 Salem Point Drive, owner of McMurphy's and Aquarius Club in the Eastgate Commercial Subdivision. Mr. Murphy said he worked as a bartender at the former Jim & Joe's bar on the frontage road of Highway 52. That business was located in a residential area and eventually was forced to close because the noise and clientele were too noisy and disturbing to the neighborhood. Mr. Murphy started his own bar business at the Crossroads Shopping Center in 1975 and in 1978 moved to the Eastgate Commercial area. He made the move because it was a commercial zoning district and was not within a residential neighborhood where problems with noise and customers could force the City Council to shut him down. In 1999 a residential dwelling asked for a downsizing from B-4 to B-1 for the area. They were denied the B-1 classification as it was considered to remain a commercial district. Mr. Murphy said that this is the same type of situation where a residential business is trying to come into a commercially designated area. He said that the business is not compatible with the surrounding businesses.</p> <p data-bbox="354 1014 1430 1255">Wishing to be heard was Mike Bjerkesett, New Brighton, Minnesota, representing Accessible Space, Inc. Mr. Bjerkesett noted that he has personally designed 50 of these buildings and there is nothing unique about the business at this location. Out of necessity, accessible housing is located in commercial retail areas that afford conveniences for the people living there. He noted that the building will be placed in the lot on the southern edge farthest from the Murphy business. Access will be on Eastwood Drive to the north of the building as far east as possible.</p> <p data-bbox="354 1287 1430 1486">Councilmembers told Mr. Bjerkesett that tenants must be forewarned that they will be located in a commercial district area with a bar business in close proximity. The tenants must understand that if there is a question of a problem with the bar business or noise from that business, McMurphy's was in the area first and will not be closed or suffer consequences as a result. Mr. Bjerkesett agreed with the Councilmembers and indicated such notice would be given.</p> <p data-bbox="354 1518 1430 1717">Councilmember Marcoux asked if future widening of the road will be a problem and pointed out that there are not any sidewalks at the present time for traveling. Mike Nigbur, Public Works Department, stated that City sewer and water services will be built and Eastwood Road will be widened as a result. Mr. Bjerkesett said that the future widening and the lack of sidewalks do not pose problems. The majority of the residents will have autos for transportation.</p> <p data-bbox="354 1749 1430 1917">Councilmembers asked if tenants could request noise or sound barriers. Terry Adkins, City Attorney, said that there is no ability for the tenants to ask for such at this time. He mentioned that if the city might request a noise easement to benefit those businesses already in existence should there be future complaints about noise or traffic.</p>

Agenda Item	
	<p>Wishing to be heard was Mike Bjerkesett, Accessible Space, Inc., said that the building is built with windows over code requirements for ease of the residents' use. These windows are also much more soundproof than the code-required equipment normally used.</p> <p>Wishing to be heard was Tom Murphy, 270 Salem Point Drive. Mr. Murphy said he still felt that the business was incompatible for the area. He was concerned that as the current Councilmembers move on and new Councilmembers take their place, the future may forget the stipulations under which Accessible Space, Inc. were granted. He said that it would hurt his business.</p> <p>Councilmember Means told Mr. Murphy that she disagreed saying that she believed in mixed-use areas.</p> <p>Councilmembers Marcoux and Hanson said that they would vote nay to be consistent with the denial of the downzoning in 1999.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Stobaugh moved, Nowicki seconded, to approve Zoning District Amendment #03-21 by Accessible Space, Inc., and instructed the City Attorney to prepare the required ordinance for adoption. Ayes (4), Nays (2). Motion carried. Councilmembers Hanson and Marcoux voted nay.</p>
G-2a	<p>An Ordinance Creating and Enacting Chapter 19 of the Rochester Code of Ordinances, Relating to the City Advisory Committees, Boards and Commissions, was given a first reading.</p>
G-2b	<p>An Ordinance Rezoning Approximately .79 Acres of Property From the B-4 Zoning District to the B-1 Zoning District, and Amending Ordinance No. 2785, Known as the Zoning Ordinance and Land Development Manual of the City of Rochester, was given a first reading. (Zoning District Amendment #03-21 – South side of Eastwood Road S.E., East of Casey's General Store)</p>
G-2c	<p>An Ordinance Amending and Reenacting Chapter 34 of the Rochester Code of Ordinances, Relating to the Housing Code, was given a first reading.</p>
G-2d	<p>An Ordinance Amending and Reenacting Chapter 38 of the Rochester Code of Ordinances, Relating to the Housing Code: Registration of Rental Units, was given a first reading.</p>
G-3a	<p>An Ordinance Amending and Reenacting Chapter 144 of the Rochester Code of Ordinances, Relating to Parades, was given a second reading. Councilmembers Hanson moved, Marcoux seconded, to adopt the Ordinance as read. Ayes (7), Nays (0). Motion carried.</p>
G-3b	<p>An Ordinance Annexing to the City of Rochester Approximately 7.94 Acres of Land Located in the West Half of the Northwest Quarter of the Southwest Quarter of Section 4, Township 106 North, Range 13 West, Olmsted County, Minnesota, was</p>

Agenda
Item

J-1

given a second reading. Councilmembers Hanson moved, Marcoux seconded, to adopt the Ordinance as read. Ayes (7), Nays (0). Motion carried. (Annex Petition #03-25 – South Side of Highway 14 East, East Side of 40th Avenue S.E.)

Having no further business, Councilmembers Hanson moved, Marcoux seconded, to adjourn the meeting. Ayes (7), Nays (0). Motion carried.



City Clerk